

Remarks

The application presently consists of claims 1-18, 36-40. Claims 19-35 were canceled; claims 1, 6, 12, 13, 16-18 were amended; and claims 36-40 were added herein. The specification was amended herein. The amendments introduce no new matter, and should be entered into the application.

The outstanding Office Action withdrew claims 19-35 from consideration based on a Restriction Requirement, objected to the Abstract, rejected claims 1-18 under 35 U.S.C. §112, and §103, and rejected claims 1-3, 5, 6, 17 and 18 under 35 U.S.C. §102. Applicants traverse all the objections and rejections and respectfully request reconsideration of the claims in light of the amendments above and the remarks which follow. The issues will be addressed in the same order that they appear in the Office Action.

Restriction Requirement

The Office Action repeated the restriction requirement and stated that Applicants had stated that the broadest claims were written to exclude attaching or adhering by hand. Applicants did not state that in their response to the restriction requirement; however, to move this application to allowance claims 19-35 were canceled herein and a divisional application has been filed to pursue claims 19-35 in a separate application.

Objections to the Specification

The abstract was objected to because it was not a single paragraph and it was in claim form. The abstract was amended herein to make it a single paragraph and to replace "said" with "the".

Additionally, the Office Action stated that the incorporation of subject matter by reference to undisclosed applications was objected to as improper. The specification was amended above to add the missing Serial No. of the application that was referred to on page 11. It is believed that all the objections to the specification have been addressed and satisfied and should therefore be withdrawn, such withdrawal is respectfully requested.

Claim Rejections—35 U.S.C. §112

Claims 1-18 were rejected under 35 U.S.C. §112 as being indefinite, because the Office Action states that the term "customized graphics" is recited where nothing is set forth describing what are the customized graphics, the terms doctor and patient do not have antecedent basis, and it is unclear how one is to distinguish graphics selected by an individual doctor or the patient to receive the prescription product over customized graphics provided in any other manner. Additionally the Office Action states that the product by process type of limitation in claim 6 is of no patentable significance.

Although the rejections are traversed, the Applicants have amended claim 1 to further define customized graphics as being those that promote a return visit to said doctor or advertises for said doctor, and, in contrast, the term non-customized graphics was added to claim 1 and defined as the graphics that identify the manufacturer of said prescription product. Further, the language of the claims is to be considered in light of the specification, and the specification describes in various places examples of what the customized and non-customized graphics are; therefore, these terms were not indefinite in the original claims or in the claims as amended herein. (See page 2, lines 37-39; page 4, lines 34-37; page 5, lines 25-27; page 5, lines 32-40; page 6, lines 15-21; page 7, 11-16 for examples and descriptions of customized and non-customized graphics.) It is therefore respectfully requested that this rejection be withdrawn.

The claims have been amended to provide antecedent basis for the terms doctor and patient. Additionally, with respect to claim 6, and all the claims, printing customized graphics on a printer and as claim 6 specifies and shipping the packaging from the manufacturer is very different in quality and convenience from a doctor or doctor's office handwriting out a sticker and adhering it to the packaging. This process limitation, therefore, provides a distinguishing limitation to the packaging as claimed.

35 USC § 102

The Office Action rejected claims 1-3, 5, 6, 17 and 18 under 35 U.S.C. §102(b) as being anticipated by Mangini et al., US 5,046,609 ('609). The Office

Action states that '609 discloses a prescription product with at least one surface permitting customized graphics provided by the prescribing person, including the name of the physician and the patient.

This rejection is traversed. The claims were amended to indicate that handwritten labels disclosed in '609 are not the present invention. The packaging comprises customized and non-customized graphics. The customized graphics of this invention consist essentially of print produced by at least one printer on at least some surface area of said packaging. '609 provides for the addition of the doctor's name and the patient name by "transferring information manually" col. 2, line 44, and by laying the "label on a hard surface such that he can easily fill in the patient's name..." col. 2, lines 57-60+. '609 discloses a label in which customized information is added by handwriting information on a sticker. Therefore, '609 does not disclose Applicants invention and the 35 U.S.C. §102 rejection based on Mangini should be withdrawn.

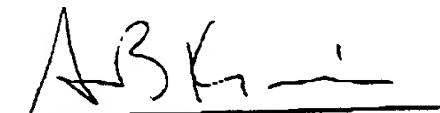
35 USC § 103

The Office Action rejected claims 1-18 under 35 U.S.C. §103(a) as being unpatentable over Abrams et al, US 5,697,495 ('495), because figures 1 and 2 of '495 contain graphics that are not necessarily the prescription, such as a logo.

Applicants traverse this 35 U.S.C. §103 rejection based on Abrams. Abrams shows non-customized graphics only. Abrams states that the "foil may constitute a label and may be imprinted with suitable printing indicia informative of the product stored in the blister package, the name and address of the manufacturer, and also incorporate various decorative designs and logos as desired; and also provide for changeable information, such as lot numbers, expiration dates and the like in addition to the foregoing such as may be required by FDA regulations." Abrams does not teach nor suggest that its packaging should be modified to allow a doctor or patient to select customized graphics to be added to the packaging. Abrams teaches non-customized information, identifying the manufacturer and information required by the FDA to be provided. None of the information listed in Abrams either promotes a return visit to the doctor or advertises for the doctor. Therefore, Abrams fails to teach or suggest Applicants invention. It is therefore respectfully requested that the 35 U.S.C. §103 rejection of claims 1-18 and that all the claims in this

application, i.e. claims 1-18 and 36-40 be allowed to issue as a patent. Early allowance is solicited.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the specification:

The paragraph beginning at line 3 of page 11 was replaced with the following paragraph:

In the preferred method, the graphics will be added off-line, and there will be one or more computerized databases which will track the doctors names and the selected customized graphics. As the orders for prescription products come in, as described above, and assembled in a database the order information will be searched for a request for customized graphics or for a doctor's name who has requested customized graphics on all of his/her packaging. (Alternatively, the order information will be searched for the patient's name that has requested the customized graphics). When one or more orders are found which have requested customized graphics, the customized graphics information will be sent to a customized graphics printing system. In the preferred mode labels having customized graphics will be printed by the customized graphics printing system. Afterwards, the labels will be matched up with the correct packaging, preferably cartons containing the ordered contact lenses. The preferred method of assembling or picking the ordered products is according to the method and by using the apparatus and method disclosed in Duncan et al, "Apparatus and Method for Automated Warehousing and Filling Orders for Multi-Item Inventories", U.S. Serial No. 09/494,860, filed concurrently herewith, (VTN-453), incorporated herein by reference. The picked (assembled) order will be deferred to the off-line customized graphics printing system for the application of printed labels having the customized graphics to the cartons to receive the labels in accordance with the orders.

The Abstract was amended as shown:

ABSTRACT OF THE DISCLOSURE

This invention provides packaging for housing at least one prescription product comprising customized graphics on at least some surface area of [said] the packaging, [said] the customized graphics being selected by the individual doctor prescribing [said] the prescription product or the patient to receive [said] the prescription product. This invention further provides the method and system for producing customized packaging which houses at least one prescription product, wherein [said] the packaging is customized by the individual doctor prescribing and/or [said] the patient receiving [said] the at least one prescription product comprising the steps of:[

]receiving an order for at least one prescription product from [said] the doctor or a refill order from [said] the patient; and [
]printing out customized graphics specified by [said] the doctor or [said] the patient for [said] the package for at least one prescription product.

In the claims:

Claims 19-35 were canceled.

Claims 1, 6, 12, 13, 16-18 were amended as follows.

1. (Amended once) Packaging for housing at least one prescription product manufactured by a manufacturer and prescribed by a doctor to a patient, comprising customized graphics said customized graphics consisting essentially of print

produced by at least one printer and provided on at least some surface area of said packaging, said customized graphics being selected by the individual doctor prescribing said prescription product or the patient to receive said prescription product, said customized graphics promotes a return visit to said doctor or advertises for said doctor, and said packaging further comprises non-customized graphics, said non-customized graphics identifies the manufacturer of said prescription product.

6. (Amended once) The packaging of claim 1 wherein said prescription product is shipped from the manufacturer of said prescription product having said customized graphics on said packaging.

12. (Amended once) The packaging of claim 11 wherein said customized graphics are printed onto said lidstock.

13. (Amended once) The packaging of claim 11 wherein said customized graphics are printed onto a label which is adhered to said lidstock.

16. (Amended once) The packaging of claim 14 wherein said customized graphics are printed onto a label which is adhered to said carton.

17. (Amended once) The packaging of claim 1 wherein said customized graphics comprise alphanumeric characters.

18. (Amended once) The packaging of claim 1 wherein said customized graphics comprise pictures.

New claims 36-40 were added as follows:

-36. The packaging of claim 13, wherein said label further comprises a label identifying means.

37. The packaging of claim 16, wherein said label further comprises a label identifying means.

38. The packaging of claim 14 wherein said secondary packaging does not identify the prescription.

39. The packaging of claim 1 wherein said customized and non-customized graphics are added to the packaging simultaneously.

40. The packaging of claim 18 wherein the customized graphics is a picture of said doctor.